

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KRISTIN WYNN,

Plaintiff

V.

CIVIL ACTION

FILE NO.

KATHERINE JIMENEZ, SMYRNA :

POLICE DEPARTMENT, AND :

PUBLIX SUPERMARKETS, INC., :

Defendants

PETITION FOR REMOVAL

TO: The Judges of the United States District Court, Northern District of Georgia

The Petition of Defendants Katherine Jimenez and Publix Super Markets, Inc.

respectfully show the Court as follows:

1.

A civil action has been brought against the Petitioners in the State Court of Cobb County, State of Georgia, by the above-named Plaintiff, said action being designated as Civil Action No. 23-A-1988 in which Plaintiff Kristin Wynn seeks to recover certain damages from the Defendants.

2.

The Plaintiff is now, were at the time of the commencement of this action, and at all times since has been citizen and resident of the State of Georgia.

3.

Defendant Katherine Jimenez is now, was at the time of the commencement of this lawsuit, and at all times since, been a citizen and a resident of the State of Georgia.

4.

Defendant Publix Super Markets, Inc. is now, was at the time of the commencement of this lawsuit, and at all times since, a corporation organized and existing under the laws of the State of Florida, having its principal place of business in Lakeland, Florida.

5.

Defendants Katherine Jimenez and Publix Super Markets, Inc. attach a copy of the Summons and Complaint For Damages and Demand for Jury Trial, marked Exhibit “A”, a copy of an Answer of Katherine Jimenez and Publix Super Markets, Inc., marked Exhibit “B”, a copy of the Jury Demand filed by Publix Super Markets, Inc., marked Exhibit “C”, and a copy of the Leave Of Absence filed by James W. Hardee, marked Exhibit “D” all filed in the State Court of Cobb County, Georgia.

5.

In the Complaint (Exhibit “A”) filed by the Plaintiff in the State Court of Cobb County, Plaintiff Kristin Wynn asserts a claim for discrimination alleging that Defendant Publix Super Markets, Inc. and co-Defendant Smyrna Police Department “treated Plaintiff in a discriminatory manner because of the color of her skin.”

6.

Furthermore, Plaintiff alleges in a separate claim that Publix violated her civil rights.

7.

Now within thirty (30) days after service of the Summons and Complaint, Defendants Katherine Jimenez and Publix Super Markets, Inc. have filed this Petition for Removal of said action to this Honorable Court.

8.

Pursuant to 28 U.S.C. § 1441, et seq., and 28 U.S.C. § 1367, this action is now removable by reason of Federal law claims alleged by Plaintiff pursuant to 28 U.S.C. § 1441(c)(1)(A). This Court also has supplemental jurisdiction over all other claims alleged in Plaintiff’s Complaint as they arise and form part of the case or controversy.

WHEREFORE, Defendants Katherine Jimenez and Publix Super Markets, Inc. file this Petition for Removal of said cause to this Court.

Respectfully submitted this 21st day of June, 2023.

FAIN, MAJOR & BRENNAN, P.C.

/s/ JAMES W. HARDEE

JAMES W. HARDEE

Georgia Bar No. 324399

*Counsel for Defendants Katherine
Jimenez and Publix Super Markets,
Inc.*

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CERTIFICATION OF COUNSEL

Pursuant to L.R. 7.1(D) N.D.Ga., I certify that this document has been prepared in Times New Roman Font 14 point, as approved by the Court in L.R. 5.1B, N.D.Ga.

FAIN, MAJOR & BRENNAN, P.C.

James W. Hardee

JAMES W. HARDEE

Georgia State Bar No. 324399

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FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KRISTIN WYNN,	:	
	:	
Plaintiff	:	
	:	CIVIL ACTION
v.	:	FILE NO. _____
	:	
KATHERINE JIMENEZ, SMYRNA	:	
POLICE DEPARTMENT, AND	:	
PUBLIX SUPERMARKETS, INC.,	:	
	:	
Defendants	:	

CERTIFICATE OF SERVICE

This is to certify that I have this date served upon counsel for the opposing parties in the foregoing matter a copy of the foregoing **Removal Petition** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

Kristin Wynn
2729 Waymar Dr. SW
Marietta, GA 30008
Kristin.v.wynn@gmail.com

This 21st day of June, 2023.

FAIN, MAJOR & BRENNAN, P.C.

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/s/ JAMES W. HARDEE

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Inc.*